

Appl. No. 09/929,599  
Atty. Docket No. 8674  
Amendment After Final dated December 11, 2003  
Reply to Final Office Action of November 4, 2003  
Customer No. 27752

8

### REMARKS

Applicants gratefully acknowledge the telephonic interviews conducted on November 18 between Examiner Halpern and David Mattheis, counsel for Applicants, and on December 2 and December 4 between Examiner Halpern and C. Brant Cook and David Mattheis, both counsel for Applicants. During the telephonic interviews, the prior art references cited in the application were discussed.

Further, Applicants are appreciative of the personal interview conducted on December 9 between Examiner Halpern and Osman Polat, a co-inventor, and C. Brant Cook, counsel for Applicants. During the personal interview a proposed amendment to overcome rejections over cited prior art was presented and discussed.

Applicants acknowledge the Examiner's continued finding that Claims 23-27 would be allowable if rewritten in independent form.

By the present amendment, Applicants have amended Claims 1, 19, 28 and 29 to define the claimed invention with greater specificity. Support for the amendments is found in the Specification at page 9, lines 23-25.

Further, Applicants have amended Claim 4 to insert a period.

Also, Applicants have amended Fig. 3 of the Drawings.

As MPEP 706.07 states, "Before final rejection is in order a clear issue should be developed between the examiner and applicant." In the present case, Applicants believe that as a result of the personal interview with the Examiner, a clear issue has been developed. Further, Applicants are merely seeking to define the claimed invention, as claimed in Claims 1, 19, 28 and 29, as amended, and all claims ultimately depending therefrom that will give Applicants the patent protection to which Applicants are justly entitled. MPEP 706.07. Applicants believe that the prosecution history has been filled with unclear issues regarding prior art and patentability, but now believes that Applicants can clearly address the clear issue and obtain an allowance of Claims 1, 19, 28 and 29, as amended, and all claims ultimately depending therefrom, which based on the cited prior art, to which Applicants strongly believe it they are justly entitled.

No new matter has been added by this Amendment.

Upon entry of this Amendment, Claims 1-29 are pending. No additional claims fee is believed to be due.

Appl. No. 09/929,599  
Atty. Docket No. 8674  
Amendment After Final dated December 11, 2003  
Reply to Final Office Action of November 4, 2003  
Customer No. 27752

9

**Rejections Under 35 USC §102(b):**

Claims 1, 6-16, 19, and 28-29 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,284,285 to Holden ("Holden"). As is evidenced from the Office Actions, the Examiner asserts that Holden discloses a paper web that is carried on a porous belt that enters a nip between one roll and a relatively large perforated roll. The Examiner further asserts that Holden teaches that compressed air (under positive pressure) is supplied to the perforated roll for discharge through its perforations through the web and belt, discharging both air and water from the web to a receiver. The receiver comprises a suction pump (under negative pressure). The differential in gaseous pressure between high pressure inside the perforated roll and the low pressure in receiver is in a range of from 4 psi to 60 psi in pressure differential. The Examiner asserts that this pressure differential reads on a pressure greater than the claimed breakthrough pressures of the pores. In light of the alleged teachings of Holden, the Examiner concludes that Claims 1, 6-16, 19, 28 and 29 are anticipated by Holden.

Applicants respectfully disagree with the Examiner's conclusion. First, Applicants respectfully submit that Holden teaches, as stated by the Examiner, that, "Compressed air (under positive pressure) is discharged through the perforations of Holden's perforated roll through the web and the belt." (Final Rejection, p. 3, 2<sup>nd</sup> Office Action, p. 3; underlining added). Therefore, it is clear that the directional flow of the compressed air from the perforated roll is through the web and then through the belt. As a result, this directional flow of the compressed air from the perforated roll through the web and belt, air and water are discharged from the web to the receiver by passing through the belt positioned between the web and the receiver. (Final Rejection, p. 3, 2<sup>nd</sup> Office Action, p. 3). Accordingly, Applicants respectfully submit that Holden teaches the flow of air as follows:

perforated roll (positive pressure) → web → belt → receiver (negative pressure).

("limiting orifice medium")\*

\*It has been the Examiner's position that the perforated roll of Holden is the limiting orifice medium with respect to the claimed invention as claimed in Claims 1, 19, 28 and 29, as amended.

Appl. No. 09/929,599  
Atty. Docket No. 8674  
Amendment After Final dated December 11, 2003  
Reply to Final Office Action of November 4, 2003  
Customer No. 27752

10

Applicants submit that the flow of air as taught by Holden is clearly different from the flow of air in the claimed invention, as claimed in Claims 1, 19, 28 and 29, as amended. For purposes of explanation and clarity, Applicants set forth below the schematic representation of the air flow as claimed in Claims 1, 19, 28 and 29, as amended:

limiting orifice medium ← web.

In light of the clear distinction between Holden and the claimed invention as claimed in Claims 1, 19, 28 and 29, as amended, Applicants respectfully submit that Holden does not anticipate Claims 1, 19, 28 and 29, as amended, because Holden fails to teach each and every element of Claims 1, 19, 28 and 29, as amended. Further, Applicants respectfully submit that Claims 6-16, which ultimately depend from Claim 1, as amended, are not anticipated by Holden for the same reasons that Claim 1, as amended, is not anticipated by Holden.

It is Applicants' understanding that the Examiner was agreeable to the position that Applicants could distinguish over Holden in one respect by clearly and explicitly identifying the direction of air flow with respect to the structural elements in the claimed invention. Applicants submit that Claims 1, 19, 28 and 29, as amended, clearly distinguishes the air flow of Applicants' claimed invention, as claimed in Claims 1, 19, 28 and 29, as amended, over Holden. If the language of Claims 1, 19, 28 and 29 is not sufficiently clear to express the fact that the direction of the air flow in the claimed invention is different from the direction of the air flow in Holden, Applicants respectfully request that the Examiner indicate so, and if feasible, allow the Applicant to suggest additional clarifying language.

In addition to the above, Applicants would like to address an interpretation of Holden expressed by the Examiner during the personal interview. The Examiner suggested that the belt in Holden could be considered the limiting orifice medium of Applicants' claimed invention. Upon a more thorough review, Applicants respectfully submit that the Examiner will clearly recognize the error in the Examiner's initial suggestion. Applicants respectfully submit that upon thorough review of each and every element of the claimed invention, as claimed in Claims 1, 19, 28 and 29, as amended, it will be clear that Holden's teachings are incomplete if Holden's belt is considered to be

Appl. No. 09/929,599  
Atty. Docket No. 8674  
Amendment After Final dated December 11, 2003  
Reply to Final Office Action of November 4, 2003  
Customer No. 27752

11

the limiting orifice medium. Applicants submit that the claimed invention, as claimed in Claims 1, 19, 28 and 29, as amended, have three primary structural elements; namely, 1) a fluid permeable carrier; 2) a limiting orifice medium; and 3) a fibrous web. In order for a reference to anticipate Claims 1, 19, 28 and 29, as amended, the reference is required to teach each and every element. Applicants respectfully submit that if Holden's belt, upon which the fibrous web is carried as described in Holden and expressed by the Examiner, is considered to be the limiting orifice medium, then Holden fails to teach each and every element of the claimed invention because Holden fails to teach that the fibrous web is pressed between a limiting orifice medium and a fluid permeable carrier. Therefore, Applicants respectfully submit that the claimed invention as claimed in Claims 1, 19, 28 and 29, as amended, and all claims ultimately depending therefrom, are not anticipated by Holden under this alternative interpretation asserted by the Examiner.

**Rejections Under 35 USC §103(a)**

Claims 2 and 21-22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Holden, discussed above.

Applicants respectfully submit that Holden fails to teach each and every element of the claimed invention, as claimed in Claims 1 and 19, as amended, discussed above, from which Claims 2 and 21-22 ultimately depend, respectively. Therefore, Applicants submit that Claim 2 which depends from Claim 1, as amended, and Claims 21-22, which ultimately depend from Claim 19, as amended, are not rendered obvious over Holden. MPEP 2143.03.

Claims 3-5, 17-18 and 20 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Holden, discussed above, in view of U.S. Patent No. 5,584,126 to Ensign ("Ensign").

Applicants respectfully submit that the teachings of Holden and Ensign, combined or alone, fail to teach each and every element of the claimed invention as claimed in Claims 1 and 19, as amended, from which Claims 3-5 and 17-18, and 20, ultimately depend, respectively. Accordingly, Applicants submit that Claims 3-5 and 17-18, which ultimately depend from Claim 1, as amended, and Claim 20, which depends from Claim 19, as amended, are not rendered obvious over Holden in view of Ensign. MPEP 2143.03.

Appl. No. 09/929,599  
Atty. Docket No. 8674  
Amendment After Final dated December 11, 2003  
Reply to Final Office Action of November 4, 2003  
Customer No. 27752

12

**Allowable Subject Matter**

Claims 23-27 have been found to be allowable if rewritten in independent form. However, Applicants respectfully submit that Claims 23-27, which ultimately depend from Claim 19, as amended, are allowable as they currently exist in dependent form.


**Conclusion**

WHEREAS, Applicants have made an earnest effort to overcome the rejections of the claims, Applicants respectfully request reconsideration of the rejections in light of the amendments and remarks contained herein and a notice of allowance of Claims 1-29, as amended.

Respectfully submitted,

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December 11, 2003

Customer No. 27752